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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

GARY R. JOHNSON,

Defendant.

CR No.: 05-00493 MAG

STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME

On August 15, 2005, the parties in this case appeared before the Court for an initial appearance, arraignment, and identification of counsel. At that time, the parties stipulated that time should be excluded from the Speedy Trial Act calculations from August 15, 2005 to September 7, 2005 for continuity of counsel and for effective preparation of defense counsel. The parties represented that granting the continuance was for the reasonable time necessary for continuity of defense counsel and effective preparation of defense counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that

the ends of justice served by granting such a continuance outweighed the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A).

SO STIPULATED:

KEVIN V. RYAN
United States Attorney

DATED: 8/17/05

/S/ Robert D. Rees
ROBERT D. REES
Assistant United States Attorney

DATED: 8/18/05

/S/ Geoff Hansen
GEOFF HANSEN
Chief Assistant Federal Public Defender
Attorney for Mr. Johnson

As the Court found on August 15, 2005, and for the reasons stated above, the Court finds that an exclusion of time between August 15, 2005 and September 7, 2005 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. §3161 (h)(8)(A). The failure to grant the requested continuance would deny Mr. Johnson continuity of counsel and would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

SO ORDERED.

DATED: August 26, 2005

